

1 SHARON D. MAYO (SBN: 150469)  
sharon.mayo@arnoldporter.com  
2 ARNOLD & PORTER KAYE SCHOLER LLP  
Three Embarcadero Center,  
3 10th Floor San Francisco, CA 94111-4024  
Tel.: 415.471.3100  
4 Fax: 415.471.3400  
*Counsel for Defendant* BRISTOL-MYERS  
5 SQUIBB COMPANY

6 AYLSTOCK, WITKIN, KREIS & OVERHOLTZ, PLLC  
Sin-Ting Mary Liu (CA SBN: 282884)  
7 mliu@awkolaw.com  
875-A Island Drive, #144  
8 Alameda, CA 94502  
Telephone: 510.698.9566  
9 Facsimile: 850.916.7449  
*Counsel for Plaintiffs*

10 [Additional counsel listed on signature pages]

11  
12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 ANNA ORTEGA, DONALD BULLOCK,  
BRYAN WILLIS, JOSH CHAPA,  
16 BONNIE RAYNOR, SCOTT WHEELUS,  
SUSAN MORRIS, PETROS F. HAGOS,  
17 NORMAN MOSS, DONALD GILLIAM,  
DONALD O. WASHINGTON, JIMMIE  
18 MOORE, LORENA M. NEVAREZ,  
JESSICA DAVIS, MANDY FARCHIK,  
19 AMY POTTS, YVETTE CARSTEN,  
INGRID LEPHARDT, SARITA E.  
20 SANDOVAL, ROSE HALL, BRYAN M.  
HUNTER, JOSEPH L. MACIEL, MARC  
21 MCCAIN, CURTIS MODLIN, TARA  
SMITH, PATRICE HILL, MICHAEL JOE  
22 FLORES, RONALD EVERETT KING,  
FRANK S. LICATA, MARYALICE  
23 ASHBROOK, DONITA BERRY,  
STEVEN BRACEY, AIMEE FRANCA,  
24 CALYNTHIA JACKSON, QUANTRELL  
JOHNSON, BILL HARLEN LANEY, JR.,  
25 MARGARITA M. CAPITAIN,  
STEWART MCINTOSH, ANAH  
26 LACHELLE NORMAN, GARY  
OSTENDORF, PAWEL J. SLIWA,  
27 ELIZABETH MARIA THOMAS, MISHA  
WAYNE, and GERALDINE T. YORK,  
28

**Case No. 3:18-cv-04968-JST**

**STIPULATION TO STAY PROCEEDINGS  
PENDING TRANSFER TO THE ABILIFY®  
MDL; [~~PROPOSED~~] ORDER**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Plaintiffs,

v.

BRISTOL-MYERS SQUIBB COMPANY,  
MCKESSON CORPORATION, OTSUKA  
AMERICA PHARMACEUTICAL, INC.,  
OTSUKA PHARMACEUTICAL CO.,  
LTD., and DOES 1 TO 100,

Defendants.

1 Defendants Bristol-Myers Squibb Company (“BMS”), Otsuka America Pharmaceutical, Inc.  
2 (“OAPI”), and McKesson Corporation (“McKesson”) (collectively, “Defendants”), and the above-  
3 captioned Plaintiffs (“Plaintiffs”) (collectively, the “Parties”), by and through their undersigned  
4 counsel, hereby stipulate and agree to, and respectfully request that the Court enter an order  
5 establishing the following:

6 WHEREAS, on August 10, 2018, Plaintiffs filed their Complaint in the Superior Court of  
7 California in and for San Francisco County,

8 WHEREAS, on August 15, 2018, BMS removed this case from the Superior Court of the  
9 State of California in and for San Francisco County to the U.S. District Court for the Northern  
10 District of California,

11 WHEREAS, no Defendant has filed an Answer or other responsive pleading,

12 WHEREAS, on August 17, 2018, Plaintiffs filed a motion to remand (ECF No. 4),

13 WHEREAS, on August 21, 2018, the Judicial Panel on Multidistrict Litigation (the “JPML”)   
14 entered Conditional Transfer Order (“CTO”)-23, conditionally transferring this case to MDL-2734,  
15 *In re Abilify (Aripiprazole) Products Liability Litigation*, No. 3:16-md-2734-MCR-GRJ (N.D. Fla.)  
16 (the “Abilify MDL”),

17 WHEREAS, Plaintiffs agree to not oppose transfer of this case to the Abilify MDL and to  
18 withdraw any pending oppositions thereto,

19 WHEREAS, the Parties agree to defer all briefing and argument on Plaintiffs’ motion to  
20 remand pending transfer to the Abilify MDL,

21 WHEREAS, Plaintiffs agree to withdraw, without prejudice, their pending motion to remand  
22 (ECF No. 4),

23 WHEREAS, the Parties agree to stay all proceedings in this Court pending transfer to the  
24 Abilify MDL,

25 WHEREAS, the Court has the inherent power to stay its proceedings,

26 WHEREAS, Defendants contend that courts in the Northern District of California and  
27 elsewhere have determined that a stay pending transfer to the Abilify MDL is of limited duration  
28 causing little or no prejudice, uses party and judicial resources efficiently, and promotes uniformity,

---

STIPULATION TO STAY PENDING TRANSFER TO THE ABILIFY MDL;

[PROPOSED] ORDER

CASE NO.: 3:18-cv-04968-JST

1 consistency, and predictability in litigation (*see* Order ECF No. 16, *Rollo v. Bristol-Myers Squibb, Co.*,  
2 No. 4:18-cv-2577-HSG (N.D. Cal. May 15, 2018); *Pamintuan v. Bristol-Myers Squibb Co.*, No. 16-cv-  
3 00254-HSG, 2016 WL 4319844 (N.D. Cal. July 14, 2016) (Gilliam, J.); Order, ECF No. 60, *Ginsberg v.*  
4 *Bristol Myers Squibb Co.*, No. 1:17-cv-11606-WGY (D. Mass. Sept. 26, 2017); Order, ECF No. 13,  
5 *Stiggle v. Bristol-Myers Squibb Co.*, No. 3:17-cv-01387-JAM (D. Conn. Sept. 5, 2017)),

6 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**

- 7 1. The proceedings in this action will be stayed pending the JPML's transfer order;
- 8 2. Plaintiffs' motion to remand (ECF No. 4) is withdrawn without prejudice;
- 9 3. Plaintiffs will withdraw their opposition to CTO-23;
- 10 4. In opposing any motion to remand filed in this case, Defendants will not raise  
11 procedural or substantive arguments regarding Plaintiffs' non-opposition to the  
12 transfer of this case to the Abilify MDL;
- 13 5. In opposing any motion to remand filed in this case, Defendants will not raise  
14 procedural or substantive arguments regarding Plaintiffs' agreement to stay these  
15 proceedings pending transfer to the Abilify MDL; and
- 16 6. Defendants' Answers or other responsive pleadings will not be due until 30 days after  
17 the JPML enters its transfer order.

18 **IT IS SO STIPULATED AND AGREED.**

19 ARNOLD & PORTER KAYE SCHOLER LLP

20 Dated: August 31, 2018

20 By: /s/ Sharon D. Mayo

21 Sharon D. Mayo (SBN: 150469)  
22 sharon.mayo@arnoldporter.com  
23 Three Embarcadero Center, 10th Floor  
24 San Francisco, California 94111-4024  
25 Telephone: 415.471.3100  
26 Facsimile: 415.471.3400

25 *Counsel for Defendant*  
26 *Bristol-Myers Squibb Company*

WINSTON & STRAWN LLP

By: /s/ Krista M. Enns

Krista M. Enns (SBN: 206430)  
kenns@winston.com  
101 California Street, 34th Floor  
San Francisco, CA 94111-5840  
Telephone: 415.591.1000  
Facsimile: 415.591.1400

*Counsel for Defendant  
Otsuka America Pharmaceutical, Inc.*

JOSEPH & COHEN

By: /s/ Jonathan M. Cohen

Jonathan M. Cohen (SBN: 168207)  
jcohen@josephandcohen.com  
1855 Market Street  
San Francisco, CA 94103  
Telephone: 415.817.9200  
Facsimile: 415.223.3468

*Counsel for Defendant  
McKesson Corporation*

AYLSTOCK, WITKIN, KREIS & OVERHOLTZ, PLLC

By: /s/ Sin-Ting Mary Liu

Sin-Ting Mary Liu (CA SBN: 282884)  
mliu@awkolaw.com  
875-A Island Drive, #144  
Alameda, CA 94502  
Telephone: 510.698.9566  
Facsimile: 850.916.7449

*Counsel for Plaintiffs*

I, Sharon D. Mayo, hereby attest that the concurrence to the filing of this document has been  
obtained from each signatory hereto.

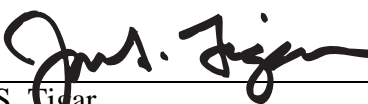
/s/ Sharon D. Mayo

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: September 5, 2018

By: \_\_\_\_\_

  
Jon S. Tigar  
United States District Judge